

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 257  
**SENATE BILL 1331**

AN ACT

AMENDING TITLE 9, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 9-240.01; RELATING TO MUNICIPAL ORDINANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 2, article 3, Arizona Revised Statutes,  
3 is amended by adding section 9-240.01, to read:

4 9-240.01. Civil enforcement of municipal ordinances

5 A CITY OR TOWN THAT CLASSIFIES ORDINANCE VIOLATIONS AS CIVIL OFFENSES  
6 SHALL ESTABLISH PROCEDURES TO HEAR AND DETERMINE THESE VIOLATIONS THAT MAY  
7 INCLUDE:

8 1. FILING OF A COMPLAINT BEFORE A HEARING OFFICER. THE CITY OR TOWN  
9 MAGISTRATE MAY SERVE AS A HEARING OFFICER OR THE CITY OR TOWN MAY APPOINT A  
10 SEPARATE HEARING OFFICER.

11 2. TIMELY NOTICE OF THE CITATION TO THE VIOLATOR. IF THE CITY OR TOWN  
12 IS UNABLE TO PERSONALLY SERVE THE NOTICE, THE NOTICE MAY BE SERVED IN THE  
13 SAME MANNER PRESCRIBED FOR ALTERNATIVE METHODS OF SERVICE BY THE ARIZONA  
14 RULES OF CIVIL PROCEDURE OR BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT  
15 REQUESTED.

16 3. PROCEDURES FOR THE HEARING, RECORD ON APPEAL, DEFAULT BY A  
17 DEFENDANT AND RULES OF EVIDENCE THAT GENERALLY COMPLY WITH THOSE FOR CIVIL  
18 TRAFFIC OFFENSES.

19 4. IMPOSITION OF A CIVIL PENALTY. AT THE CONCLUSION OF THE HEARING,  
20 THE HEARING OFFICER SHALL DETERMINE WHETHER A VIOLATION EXISTS AND, IF SO,  
21 MAY IMPOSE CIVIL PENALTIES OF UP TO THE MAXIMUM AMOUNT SPECIFIED IN SECTION  
22 9-240 FOR ORDINANCE VIOLATIONS FOR EACH DAY A VIOLATION EXISTS BEYOND THE  
23 INITIAL NOTICE CONSTITUTING A SEPARATE OFFENSE. THE HEARING OFFICER MAY ALSO  
24 ORDER ABATEMENT OF THE VIOLATION PURSUANT TO SECTION 9-499.

25 5. A PROVISION THAT IF THE VIOLATOR DOES NOT COMPLY WITH A CIVIL  
26 ENFORCEMENT ACTION, THE CITY OR TOWN MAY FILE A CRIMINAL CHARGE. A CIVIL  
27 ENFORCEMENT ACTION IS NOT A PREREQUISITE TO THE FILING OF A CRIMINAL CHARGE.

28 6. JUDICIAL REVIEW OF THE FINAL DECISIONS OF THE HEARING OFFICER  
29 PURSUANT TO SECTION 12-124.

30 Sec. 2. Existing procedures

31 This act does not require changes to procedures in effect before the  
32 effective date of this act.


APPROVED BY THE GOVERNOR APRIL 26, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2001.


Passed the House April 17, 20 01,

by the following vote: 47 Ayes,

7 Nays, 6 Not Voting



Speaker of the House

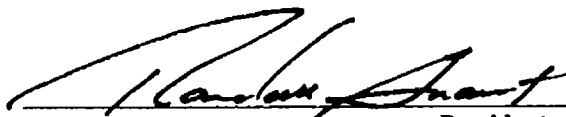


Chief Clerk of the House


Passed the Senate March 14, 20 01,

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

           day of           , 20           ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20           ,

at            o'clock            M.

            
Governor of Arizona

S.B. 1331

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this            day of           , 20           ,

at            o'clock            M.

            
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 23, 2001,

by the following vote: 20 Ayes,

7 Nays, 2 Not Voting

Randall Smith 1 vacancy

President of the Senate

Charmine Bellington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

23 day of April, 2001,

at 3:50 o'clock P M.

Sandra Ramirez

Secretary to the Governor

APPROVED THIS 26 day of

April, 2001,

at 11:45 o'clock A M.

Janice Lee Duce

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27 day of April, 2001,

at 3:45 o'clock P M.

Betsy Boyles

Secretary of State

S.B. 1331